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PATENT n#W  
ATTORNEY DOCKET NO.: 6-5-02  
046700-5015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 08 2002  
Technology Center 2100

In re Application of: )  
)  
Daniel ABESHOUSE et al. )  
)  
Application No.: 09/710,097 )  
)  
Filed: November 10, 2000 )  
)  
For: METHOD, APPARATUS AND SYSTEM )  
FOR PROVIDING VARIABLE MARKET )  
INFORMATION DISCLOSURE IN )  
AN AUCTION )

Group Art Unit: 2161

Examiner: Unassigned

Commissioner for Patents  
Washington, D.C. 20231

Sir:

**PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(d)**

This is a Petition to Make Special the examination of the above-identified patent application. The fee pursuant to §1.17(i) is enclosed.

Applicants hereby petition the Commissioner for advanced examination of the present application under 37 C.F.R. § 1.102(d) based upon actual infringement. In support of this petition, Applicants submit:

- (a) The Statement of Kim R. Jessum, attorney registered to practice before the U.S. Patent and Trademark Office, in support of this Petition to Make Special on grounds of actual infringement; and
- (b) An Information Disclosure Statement and copies of the relevant references found upon the search, which was made in connection with the above-identified application.

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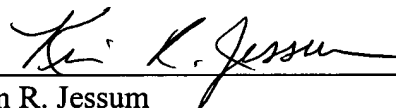
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Accordingly, Applicant requests that this Petition to Make Special be granted and examination of the present application be advanced.

The Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTION PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**



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Kim R. Jessum  
Reg. No.: 43,694

Dated: May 2, 2002  
Customer No.: 028977  
MORGAN, LEWIS & BOCKIUS LLP  
1701 Market Street  
Philadelphia, PA 19103  
(215) 963-5000



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**STATEMENT OF KIM R. JESSUM**  
**IN SUPPORT OF THE PETITION TO MAKE SPECIAL**

Kim R. Jessum states as follows:

1. I am associated with the law firm of Morgan, Lewis & Bockius LLP and am an attorney for the Applicant in the above-identified application. I am a member of the bars of the Commonwealth of Pennsylvania, the State of Illinois and the State of New Jersey and am registered to practice before the U.S. Patent & Trademark Office (USPTO). I make this Statement in support of Applicant's Petition to Make Special under 37 C.F.R. § 1.102(d) for the above-identified application.
2. There is at least one infringing product actually on the market and/or method in use.

3. A rigid comparison of the allegedly infringing product and/or method with the claims of the application has been made. In my opinion, the product and/or method would unquestionably infringe at least one of the claims of the application.

4. I have made or caused to be made a careful and thorough search of the prior art. A copy of the references that resulted from the search are listed in an Information Disclosure Statement submitted simultaneously herewith.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**



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